

STATE OF MARYLAND  
**MARYLAND DEPARTMENT OF THE ENVIRONMENT**  
Robert M. Summers, Ph. D., Secretary

**BILL NO:** SB 277

**COMMITTEE:** Education, Health and Environmental Affairs

**POSITION:** Oppose

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**TITLE:** Frederick County – Stormwater Management – Watershed Protection and Restoration Program - Exemption

**BILL ANALYSIS:** Senate Bill 277 would exempt Frederick from the provisions of HB 987, passed in the 2012 session of the Maryland General Assembly. HB 987 required ten local jurisdictions that are subject to national pollutant discharge elimination system (NPDES) Phase I permits to establish a watershed protection and restoration program including a stormwater remediation fee and a local watershed protection and restoration fund. The ten affected jurisdictions are: Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Charles County, Frederick County, Harford County, Howard County, Montgomery County and Prince George's County.

**POSITION AND RATIONALE:** MDE opposes SB 277.

HB 987 passed in the 2012 session, was intended to ensure that the ten most populous jurisdictions in the State had a dedicated source of revenue to address the nonpoint source pollution problems within their corporate limits. Water quality improvements in these populous areas will benefit local streams and rivers and are critical to Maryland's Chesapeake Bay Watershed Implementation Plan.

Currently, all ten of the MS4 Phase 1 jurisdictions who were impacted by HB 987 are in the process of implementing a Watershed Protection and Restoration Program. All but one jurisdiction have fully adopted both the fee and fund components of the Program and many have incorporated the expected revenue from their new fees into their capital funding programs. Several of these counties have anticipated bond issuance supported by their new fee structures.

Although Frederick County has currently adopted a modest fee to support its Watershed Protection and Restoration Program, exempting the county from current law will weaken its restoration efforts by eliminating a source of dedicated revenue and a dedicated environmental restoration fund that could potentially leverage state and federal funding that is available for water quality improvement projects. Frederick County, like the other MS4 jurisdictions, is under federal and State mandates to address nonpoint source water pollution that is negatively impacting local streams, rivers and the Chesapeake Bay. An adequately funded Watershed Protection and Restoration Program will be necessary to ensure that the county meets these mandates.

The County's failure to address this source of pollution will have negative consequences for every citizen in the county and will only increase the long term cost to restore the County's watersheds. Progress in all sectors, urban, and agricultural alike, is required under Maryland Chesapeake Bay

Watershed Implementation Plan, and shortfalls in any area will have to be made up in other ways, including further restrictions on development, new regulations and more stringent permits for all regulated sources, and increased oversight by the federal government.

The majority of the MS4 jurisdictions have recognized the need to significantly enhance their stormwater programs to meet their local water quality objectives and understand that funding mechanisms like one passed by the Maryland General Assembly in 2012 are essential to support these pollution control efforts that are critical to the future of Maryland. Counties that have established strong programs supported by reasonable fees will be well positioned to make the necessary local investments that will pay dividends with new jobs and a cleaner, greener local environment.

By restricting Frederick County's ability to establish and develop its own Watershed Protection and Restoration Program, SB 277 will undermine the County's ability to restore its watersheds over the long term. For these reasons MDE opposes Senate Bill 277.

**FOR MORE INFORMATION,**  
**CONTACT JEFFREY FRETWELL**  
**410-260-6301 ANNAPOLIS**  
**410-537-3537 BALTIMORE**